

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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ANNE BRUMBAUGH, GARY L.	)	
HARMON AND RANDY K. GRIFFIN, on	)	
behalf of themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 3:04-CV-30022 (MAP)
	)	
v.	)	
	)	
WAVE SYSTEMS CORPORATION,	)	
JOHN E. BAGALAY, JR., STEVEN K.	)	
SPRAGUE, and GERARD T. FEENEY,	)	
	)	
Defendants.	)	

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**ASSENTED TO MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO  
MOTION TO DISMISS AND FOR MODIFICATION OF SCHEDULE**

Plaintiffs, by and through their undersigned counsel of record, respectfully move this Court for an extension of time THROUGH AND INCLUDING February 18, 2005 in which to file their amended complaint and for a corresponding extension of the other dates in the September 3, 2004 scheduling order (the "Order"), as subsequently amended.

In support of this Motion, the Plaintiffs would respectfully show the following:

1. The Order, as subsequently amended, provides that the plaintiffs file their opposition to defendants' motion to dismiss on or before January 28, 2005, and it also sets dates for the filing by the Defendants of a reply in support of the motion to dismiss; and a hearing on the motion to dismiss.

2. Plaintiffs' counsel are requesting this extension of time for the following reasons:  
a) a serious illness in the immediate family of the attorney primarily responsible for preparing the

opposition to the motion to dismiss; b) the office relocation of plaintiffs' lead counsel; and c) extensive conflicting commitments involving the attorney primarily responsible for the opposition papers. The cumulative effect of these factors requires the three week extension sought by this Motion.

3. Plaintiffs have previously requested one extension in this matter, and Plaintiffs submit that good cause exists for the granting of the requested extension.

4. Because the other dates and deadlines set forth in the Order are based on the January 28 filing of an opposition to the motion to dismiss, this Motion also requests that these other dates be extended by the same time period, in order to preserve the same time intervals. Therefore, the modified schedule requested by this Motion would be as follows:

- a) Opposition to motion to dismiss due – February 18, 2005
- b) Any reply in support of the motion to dismiss due – March 8, 2005
- c) Hearing on the motion to dismiss – March 16, 2005 at 2:00 p.m.

WHEREFORE, the Plaintiffs respectfully request that they be granted an extension to file their opposition to the motion to dismiss until February 18, 2005 and that the modified schedule proposed herein be adopted by the Court.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Undersigned counsel certifies that they have conferred with counsel for Defendants in a good faith effort to resolve or narrow the issues raised by this Motion and that Defendants'

counsel indicated that they would assent to this Motion.

Respectfully submitted,

/s/ David Pastor

David Pastor (BBO #391000)  
GILMAN AND PASTOR, LLP  
Stonehill Corporate Center  
999 Broadway, Suite 500  
Saugus, MA 01906  
Telephone: (781) 231-7850  
Facsimile: (781) 231-7840

**Plaintiffs' Liaison Counsel**

Karen E. Reilly  
Marc I. Wilner  
SCHIFFRIN & BARROWAY, LLP  
Three Bala Plaza East, Suite 400  
Bala Cynwyd, PA 19004  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

**Plaintiffs' Lead Counsel**